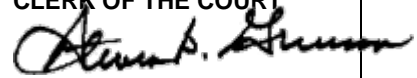


EXHIBIT A

**COMP**

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CASE NO: A-21-831438-C
Department 1

DISTRICT COURT**CLARK COUNTY, NEVADA**

KATHLEEN LISBETH MIERAU, an
individual;

Plaintiff,

v.

ALBERTSON'S, LLC d/b/a ALBERTSONS,
a Foreign Limited-Liability Company; DOE
EMPLOYEE I; DOES I through X, inclusive;
and ROE CORPORATIONS I through V,
inclusive;

Defendants.

CASE NO.:
DEPT. NO.:

COMPLAINT

COMES NOW, Plaintiff, KATHLEEN LISBETH MIERAU, by and through her counsel of record, ATKINSON WATKINS & HOFFMANN, LLP, and for her Complaint on file herein alleges as follows:

I.**GENERAL ALLEGATIONS**

1. That at all times relevant hereto, Plaintiff, KATHLEEN LISBETH MIERAU (hereinafter referred to as "Plaintiff"), is, and at all times relevant herein was residing in Clark County, Nevada.

2. That at all times relevant hereto, Defendant ALBERTSON'S, LLC d/b/a ALBERTSONS (hereinafter "Defendant/Defendant ALBERTSONS"), is and was a Foreign

1 Limited-Liability Corporation, and/or licensed to conduct business in Clark County, Nevada, and
2 that the true names and capacities, whether individual, corporate, association, or otherwise of the
3 Defendants, DOES I through X, and/or ROE CORPORATIONS I through V, inclusive, are
4 unknown to Plaintiff who therefore sues said Defendants by such fictitious names.

5 3. That at all times relevant hereto, Defendant DOE EMPLOYEE I is believed to be
6 an agent, servant, and/or employee of Defendant ALBERTSONS, and was residing in Clark
7 County, Nevada.

8 4. That the identities of the Defendants, DOES I through X, inclusive, and ROE
9 CORPORATIONS I through V, inclusive, are unknown at this time and may be individuals,
10 partnerships or corporations. Plaintiff alleges that each of the Defendants designated herein as DOE
11 and ROE are responsible in some manner for the damages herein alleged. Plaintiff requests leave
12 of the Court to amend this Complaint to name the Defendants specifically when their identities
13 become known.

14 5. That the facts and circumstances that give rise to the subject lawsuit occurred in
15 Clark County, Nevada.

16 6. At all times mentioned, Defendant ALBERTSONS was the owner and/or controller
17 of the premises and common areas at or near 4850 W. Craig Rd., Las Vegas, Nevada 89130, more
18 commonly known as ALBERTSONS.

19 7. That on or about March 17, 2020, Plaintiff was a patron at the property owned and/or
20 controlled by Defendant.

21 8. That on or about March 17, 2020, Plaintiff was retrieving a shopping cart on
22 Defendant's premises when suddenly DOE EMPLOYEE I, while in the course and scope of their
23 employment and/or agency with Defendant ALBERTSONS, negligently and carelessly pushed in
24 additional carts and hit Plaintiff from behind.

25 9. That on or about March 17, 2020, Plaintiff, as a result of the incident, sustained
26 severe injuries.

27 10. That on or about March 17, 2020, Defendants, and/or their employees and/or agents
28 while in the course and scope of their employment and/or agency, negligently failed to control,

1 operate, supervise, monitor, and maintain their premises in a safe and reasonable manner.

2 **II.**
3 **FIRST CLAIM FOR RELIEF**
4 **(Negligence)**

5 11. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1
6 through 10 hereinabove and incorporates the same by reference as though fully set forth herein.

7 12. At all times relevant herein, Plaintiff's injuries were the direct and proximate result
8 of the negligent conduct of DOE EMPLOYEE I who was an agent, servant and/or employee of
9 Defendant ALBERTSONS, and at all times herein mentioned, was acting within the scope of
10 employment with the knowledge, permission and consent of their employer(s), Defendant
11 ALBERTSONS. Therefore, Defendant ALBERTSONS is responsible and liable for all of its
12 employee's and/or agent's negligent conduct set forth herein under the theory of respondeat
superior.

13 13. Defendants owed Plaintiff a duty to control, operate, supervise, monitor, and
14 maintain their premises in a safe and reasonable manner.

15 14. Defendants breached their duty when DOE EMPLOYEE I, while in the course and
16 scope of their employment and/or agency with Defendant ALBERTSONS, negligently and
17 carelessly pushed in additional carts and hit Plaintiff from behind.

18 15. As a direct and proximate result of Defendants' and/or their employees' and/or
19 agents' conduct, Plaintiff was seriously injured and caused to suffer great pain of body and mind,
20 some of which conditions are permanent and disabling all to her general damage in an amount in
21 excess of Fifteen Thousand Dollars (\$15,000.00).

22 16. As a further direct and proximate result of Defendants' and/or their employees'
23 and/or agents' conduct and negligence, Plaintiff has incurred expenses for medical care and
24 treatment and will incur expenses for future medical care and treatment in an amount to be proven
25 at trial.

26 17. As a further direct and proximate result of Defendants' and/or their employees'
27 and/or agents' conduct and negligence, Plaintiff has and will continue to incur into the future pain
28

1 and suffering and emotional distress, in an amount in excess of \$15,000.00.

2 18. Plaintiff has been required to obtain services of an attorney to prosecute this action,
3 and is therefore entitled to reasonable attorney's fees and costs.

4 **III.**

5 **SECOND CLAIM FOR RELIEF**

6 **(Negligent Hiring/Training/Supervision Against Defendant ALBERTSONS)**

7 19. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1
8 through 18 hereinabove and incorporates the same by reference as though fully set forth herein.

9 20. Defendant ALBERTSONS had a duty to exercise due care in the selection, training,
10 supervision, oversight, direction, retention and control of its employees and/or agents, retained by
11 it. Defendant ALBERTSONS held a duty of hiring, training, supervising, and enforcing policies
12 and procedures in compliance with State law.

13 21. Defendant ALBERTSONS breached the above-referenced duties when they
14 negligently, carelessly, and recklessly hired, trained, supervised, oversaw, directed, and/or retained
15 DOE EMPLOYEE I.

16 22. As a direct and proximate result of Defendants' and/or their employees' and/or
17 agents' conduct, Plaintiff was seriously injured and caused to suffer great pain of body and mind,
18 some of which conditions are permanent and disabling all to her general damage in an amount in
19 excess of Fifteen Thousand Dollars (\$15,000.00).

20 23. As a further direct and proximate result of Defendants' and/or their employees'
21 and/or agents' conduct and negligence, Plaintiff has incurred expenses for medical care and
22 treatment and will incur expenses for future medical care and treatment in an amount to be proven
23 at trial.

24 24. As a further direct and proximate result of Defendants' and/or their employees'
25 and/or agents' conduct and negligence, Plaintiff has and will continue to incur into the future pain
26 and suffering and emotional distress, in an amount in excess of \$15,000.00.

27 25. Plaintiff has been required to obtain services of an attorney to prosecute this action,
28 and is therefore entitled to reasonable attorney's fees and costs.

IV.

THIRD CLAIM FOR RELIEF
(Negligent Infliction of Emotional Distress)

26. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 25 hereinabove and incorporates the same by reference as though fully set forth herein.

27. At all times relevant herein, Plaintiff's injuries were the direct and proximate result of the negligent conduct of DOE EMPLOYEE I who was an agent, servant and/or employee of Defendant ALBERTSONS, and at all times herein mentioned, was acting within the scope of employment with the knowledge, permission and consent of their employer(s), Defendant ALBERTSONS. Therefore, Defendant ALBERTSONS is responsible and liable for all of its employee's and/or agent's negligent conduct set forth herein under the theory of respondeat superior.

28. Defendants had a duty to use reasonable care to avoid causing emotional distress to Plaintiff.

29. Defendants breached their duty when DOE EMPLOYEE I, while in the course of their employment and/or agency with Defendant ALBERTSONS, negligently and carelessly pushed in additional carts and hit Plaintiff from behind.

30. As a direct and proximate result of Defendants' and/or their employees' and/or agents' conduct, Plaintiff was seriously injured and caused to suffer great pain of body and mind, some of which conditions are permanent and disabling all to her general damage in an amount in excess of Fifteen Thousand Dollars (\$15,000.00).

31. As a further direct and proximate result of Defendants' and/or their employees' and/or agents' conduct and negligence, Plaintiff has incurred expenses for medical care and treatment and will incur expenses for future medical care and treatment in an amount to be proven at trial.

32. As a further direct and proximate result of Defendants' and/or their employees' and/or agents' conduct and negligence, Plaintiff has and will continue to incur into the future pain and suffering and emotional distress, in an amount in excess of \$15,000.00.

WHEREFORE, Plaintiff prays for Judgment of this Court as follows:

- DATED this 19th day of March, 2021.

/s/ Matthew W. Hoffmann, Esq.
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